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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,508	12/26/2000	Robert H. Willis	BS99-184	9790
28970	7590	02/24/2004	EXAMINER	
SHAW PITTMAN IP GROUP 1650 TYSONS BOULEVARD SUITE 1300 MCLEAN, VA 22102			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER
			3627	
DATE MAILED: 02/24/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/746,508

Applicant(s)

WILLIS ET AL.

Examiner

James A. Kramer

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 2,4,5,7,10,11,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 2,4,5,7,10,11,19 and 20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "the different location" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim. Examiner believes this claims should have depended from Claim 10 and will therefore interpret the claim in this way.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 5, 7, 11, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder et al. in view of Official Notice.

Kidder et al. teaches a system for automated workflow in a network management and operations system. In particular the performance of various network components is continuously monitored by network monitoring personnel, referred to as network monitors (column 1; lines 16-19). Examiner notes that the network monitors of Kidder et al. represent the dispatch division of Applicant's claims.

Kidder et al. teaches that in the telecommunications network, alarms are assigned to various network components and sound when anomalies are detected. Each alarm is reported to the network monitors through an electronic message which provides an indication of network anomalies (column 1; lines 25-34). Kidder et al. further teaches that network monitors use the information from the alarm reports to create trouble tickets using a trouble management system (TMS). The TMS provides a system for dispatching field engineers to the location of the reported anomaly, where they investigate and correct the problem. (column 2; lines 28-33)

Examiner notes that anomalies are the identical to malfunctions and field engineers are identical to technicians. Therefore, the Kidder et al. clearly anticipates receiving reports of malfunctions and dispatching technicians in response to the reports.

Kidder et al. further teaches the network monitor interfaces with the TMS system through an automated workflow system (column 6; lines 41-45). Specifically the alarm reports are related to TMS ticket numbers, which enhances the network monitor's communication with field engineers or other users of the TMS (column 14; lines 59-62). In other words, this system allows the network monitors the ability to receive information about the anomaly from the field engineers via the TMS.

Kidder et al. teaches that a network monitor may often determine that multiple alarm reports have a common source and therefore the alarm reports can be grouped together into an event report to facilitate processing. (column 3; lines 6-10) In addition the network monitor can add new alarm reports to an event report at any time, after the event report has been created (column 8; lines 20-25).

Examiner interprets a common source to be the same as a common cause. In addition, Examiner notes that above teachings of Kidder et al. represents a network monitor (dispatch division) receiving information from a TMS system and thus determining that a 2<sup>nd</sup> anomaly (malfunction) has the same source (cause) as a first anomaly.

Kidder et al. teaches an example on column 3; lines 17-22 of identifying an entity responsible for the source (cause) of the multiple anomalies (malfunctions). Specifically, if a tree falls over during a thunderstorm and cuts through a major telecommunications line (twisted pair), at least one, and perhaps dozens of alarms will sound. Examiner notes that while this example relates to an act of God, it is essential the same as if a truck were to run over and cut the line. The system still identifies the source/cause of the problem whether it be an act of God or a company.

Kidder et al. does not teach generating a bill to the responsible entity which includes at least the cost for the first malfunction (anomaly). Examiner takes Official Notice that it is old and well known to generate and submit a bill to a party that is responsible for damage. As way of an example Examiner sites the insurance industry. It is old and well known for insurance companies to investigate accidents (malfunctions), to determine who the responsible party is and to bill that responsible party for the work done to correct the damage.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Kidder et al. to include a billing division to automatically generate a bill to the responsible party for the work performed by the field engineers, in order for the telecommunications company of Kidder et al. to recoup expenses incurred as a result of the responsible party's negligence.

Claims 10 and 19 as interpreted by the Examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over Kidder et al. in view of Official Notice. as applied to claims 2, 4, 5, 7, 11, and 20 above, and further in view of Hyland et al.

Kidder et al. as described in detail above does note teach re-routing technicians based on information about the malfunction. Hyland et al. teaches a cable network repair control system with a response control engine and a job control engine. The response control engine contains data about the available repair crews who are in the field and the type of work which they can do (column 4; lines 56-65). The system auto-allocates jobs to the repair crews using in-vehicle computers. The system takes into account emergency jobs, which automatically receive priority over other scheduled jobs. In other words, the system enables the central site to re-route a repair crew from one site to another site based on a hierachal approach.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the TMS of Kidder et al. to include a response control engine for re-routing field engineers in order to more efficiently utilize the field engineers resources.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

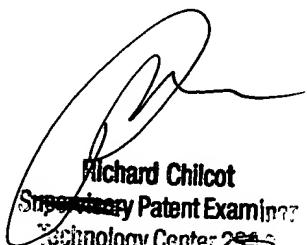
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer  
Examiner  
Art Unit 3627

JAK



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